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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David Chinner

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05/15/2007

STAAS & HALSEY LLP

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EXAMINER

ROSE, HELENE ROBERTA

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/620,797	Applicant(s) CHINNER ET AL.	
	Examiner Helene Rose	Art Unit 2163	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**

1. In response to communication filed on 3/2/2007, No claims were amended; No claims were added; and No claims were cancelled. Therefore, Claims 1-28 is presently pending.
2. Applicant's arguments filed with respect to the rejected claims have been fully considered but they are not persuasive.

**Claims Rejections –35 U.S.C 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clayton et al (US Patent No. 6,971,101, Filing Date: September 12, 2000) in view of Nakaoka et al (US Patent No. 6,092,048, Date of Patent: July 18, 2000).

Claims 1,11, and 20:

Regarding claims 1,11, and 20, Clayton teaches at least one computer readable medium storing at least one program embodying a method of processing requests to access computing resources (see Figure 1, all features, Clayton), said method comprising:

scheduling execution of the resource acquisition requests (column 3, lines 49-61, Clayton)

Clayton discloses a scheduling execution of the resource acquisition request as stated above.

However, Clayton does not disclose in accordance with a user configurable metering.

On the other hand, Nakaoka discloses a user configurable metering (see abstract, wherein each of a plurality of client machines includes a task information display/operation unit, which enables each user to operate information during a task, is executed. A task execution support system supports the user such that the user can execute a task while determining the contents of action and the procedure of action in accordance with a progress of a task without defining a series of action procedure from the start to end of a task with all sorts of actions in the task listed-up as a network type flow before a task to be supported is started, Figure 25, all features, further defined in column 8, lines 37-65, wherein defined in the applicant's remarks on page 7, the a "user configurable metering" would be the ability of a user to configure how the focus manager determines the number of request of a given priority should be executed, Nakoma).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate a user configurable metering disclosed by Nakaoka within Clayton system for a faster execution, and efficiency for processing numerous amounts of request that may be made by a user.

Claims 2,12, and 21:

Regarding claims 2,12,and 21, Clayton in view of Nakaoka teaches a method further comprising sorting the resource acquisition requests into at least two separate queues for different request types (Figure 7, all features further defined in column 10, lines 45-59, wherein the field 7020 shows a code indicative of **type of task** object operation which represents the time that the event condition wants to indicate and wherein field 7030 shows a task ID to which there belongs an operation target task object of a task object operation expressing the time that the event condition wants to indicate and field 7040 shows a title of an operation target task object of a task object operation which expresses the time that the event condition wants to indicate and when the task object operation indicates the completion of the task, the field 7030 shows the task object which is to be completed, and the field 7040 is not significant, and wherein paragraph [0006] of applicants specification on page 8 of applicants remarks, the resource acquisition requests may be **sorted** by read, write and metadata requests and, and by different subtypes within these types, e.g., within read requests by whether a read-ahead operation should be performed, or whether a write contains data or only a synchronization request that sorted by type; column 5, lines 49-67, Figure 8, wherein the event types are defined; column 6, lines 17-20, wherein client creates new task entries in order to write respective chapters; column 8, lines 4-12, wherein he task information management unit 1020 is adapted to read task information from the task information memory unit 1010 and to change memorized task information in accordance with a task

information reference/operation request issued from the task information display/operation unit 1030 or the event rule driver unit 1040. Nakaoka).

Claims 3,13, and 22:

Regarding claims 3,13, and 22, Clayton in view of Nakaoka teaches a method further comprising configuring metering of the resource acquisition requests in response to input from an administrator of the system (column 4, lines 27-35; column 14, lines 30-35, wherein the user designates an execution action, which is equivalent to a user control over how all request are executed as defined on page 8, of applicants remarks, Nakaoka)

Claims 4,14, and 23:

Regarding claim 4, 14, and 23, Clayton in view of Nakaoka teaches wherein said configuring includes specifying a first number (column 5, lines 49-51, Clayton) of the resource acquisition requests from a first queue to be performed (column 6, lines 13-15, Clayton) for a second number (column 5, lines 51-53, Clayton) of the resource acquisition requests from a second queue (column 6, lines 15-17, Clayton), as long as the resource acquisition requests are queued in both the first and second queues (Figure 24, all features, further defined in column 20, lines 19-44, Nakaoma).

Claims 5,15, and 24:

Regarding claims 5,15, and 24, Clayton teaches wherein said configuring includes specifying a corresponding number of the resource acquisition requests to be executed for each of the at least two separate queues (column 6, lines 10-13, Clayton) when more than two of the separate queues are provided (column 6, lines 1-10, Clayton).

Claims 6,16, and 25:

Regarding claims 6,16, and 25, Clayton in view of Nakaoka teaches a method further comprising establishing a maximum number of threads (column 1, lines 55-67, wherein a thread is defined as a process that is part of a large process or program, Clayton) for executing resource acquisition requests in response to the input from the administrator (column 7, lines 47-56, Clayton).

Claims 7,17, and 26:

Regarding claims 7,17, and 26, Clayton in view of Nakaoka teaches wherein the maximum number of threads for executing resource acquisition requests is at least as large as a sum of the first and second numbers (columns 7-8, lines 61-67 and lines 1-13, wherein a five minute difference between time and implementation time, Clayton)

Claims 8,18, and 27:

Regarding claims 8,18, and 27, Clayton in view of Nakaoka teaches wherein the first and second numbers are each larger than one (column 5, lines 13-15, wherein there is a zero, first, and second priority, Clayton).

Claims 9,19, and 28:

Regarding claims 9,19, and 28, Clayton in view of Nakaoka teaches wherein a default metering is used when no input is received from the administrator (column 8, lines 21-39, wherein attempt is made to take over the user interface and only allows when an acknowledgement is made, Clayton).

Claim 10:

Regarding claim 10, Clayton in view of Nakaoka teaches wherein the first queue is for read requests, the second queue is for write requests and the default metering is two read requests for two write requests (column 2, lines 17-34, wherein an open network is able to read requests and write requests and column 4, lines 53-59, Clayton) executed by four threads (see Figure 1, all features, wherein threads is defined as a process that is part of a large process or program, Clayton).



### **Examiner Response to Applicant Arguments**

#### **Applicant States/Argues:**

In the September 29, 2006 Office Action, the Examiner noted that claims 1-28 were pending in the application and rejected claims 1-28 under 35 U.S.C. § 103(a). In rejecting the claims, U.S. Patents 6,971,101 to Clayton et al. and 6,092,048 to Nakaoka (References A and C, respectively) were cited. Claims 1-28 remain in the case. The rejections are traversed below.

In rejecting claims 1, 11 and 20, it was acknowledged that Clayton et al. "does not disclose ... user configurable metering" (September 29, 2006 Office Action, page 3, lines 4-5) as recited at claim 1, lines 3-4. However, it was asserted that Nakaoka in the Abstract, Fig. 25 and column 8, lines 37-65 disclosed user configurable metering. Most of the words on the last ten lines of the Abstract in Nakaoka appear on page 3, lines 6-12 of the Office Action, while "defined in the applicant's remarks on page 7, the ... 'user configurable metering' would be the ability of a user to configure how the focus manager determines the number of request[s] of a given priority should be executed" appears on page 3, lines 13-15 of the Office Action. Finally, it was asserted that incorporating what is disclosed by Nakaoka into the system taught by Clayton et al. would have been obvious "for a faster execution, and efficiency for processing numerous amounts of requests that may be made by a user" (Office Action, page 3, lines 18-19).

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It is submitted that Nakaoka fails to overcome the acknowledged lack of teaching or suggestion in Clayton et al. that a user can configure how the "focus manager 206" determines the number of requests of a given priority should be executed. The Examiner apparently believes that the statement in the Abstract of Nakaoka that the "task execution support system supports the user such that the user can execute a task while determining the contents ... and ... procedure ... in accordance with ... progress of...task without defining a ... procedure from the start to end of a task" (Abstract, lines 7-12) would suggest modification of Clayton et al. to meet the limitations recited in the independent claims. However, the Abstract of Nakaoka appears to be talking about a system that simplifies defining the procedure performed by a task. This does not seem to have anything to do with determining the number of requests of a given priority that should be executed by the focus manager 206 in Clayton et al. or doing anything "in accordance with user configurable metering" (e.g., claim 1, last 2 lines). Thus, Applicants do not understand how the statements in the Abstract of Nakaoka are related to configuring the "focus manager 206" of Clayton et al. "user configurable metering" as recited in the claims.

Figure 25 of Nakaoka, which is described in the cited portion of column 8 and presumably was cited as illustrating the sentences in the Abstract of Nakaoka cited in the rejection, appears to show the ability of a user to select a task from task list 1520 and the ability to display a task property in section 1530 and a task action in section 1540.

Nothing has been found in Fig. 25 or its description in the cited portion of column 8 that suggests to the Applicants any modification of Clayton et al. to provide for user configuration of the focus manager 206. Therefore, it is submitted that claims 1, 11 and 20, as well as claims 2-10, 12-19 and 21-28 which depend therefrom, patentably distinguish over Clayton et al. in view of Nakaoka for at least the reasons discussed in the Amendment filed July 11, 2006 (the date "26 July 2006" mentioned in the Office Action Summary is presumably the date the Amendment was delivered to the Examiner, or some other internal date at the U.S. Patent and Trademark Office).

**Examiner Response:**

To further clarify the rejection mailed out 9/29/2007 ~ as it relates to the limitation "scheduling execution of the resource acquisition request in accordance with a user configurable metering".

SEE Clayton, column 5, lines 4-45, wherein focus manager 206 includes a queue 250 and a means of assigning ticket identifier 264 to selectable entity 212 and Queue 250 comprises any number of priority levels, which can include without limitation, any number of sub-queues, and the priority level to which asynchronous request 209 is assigned determines when corresponding asynchronous entity 214 will be able to utilize any of plurality of user interface device resources and wherein queue 250 includes three priority levels, or sub queues, which include 0 time priority level 252, 1st time priority level 254 and 2nd time priority level 256 and any number or type of priority levels 252,

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254, 256 are within in the scope of the invention and when selectable entity 212 is called, focus manger 206 assigns ticket identifier 264 to selectable entity 212, wherein the ticket identifier 264 can determine which of selectable entity 212 can, or is able to, utilize any of plurality of user interface device resources, and wherein focus manager 206 assigns ticket identifier 264 to selectable entity 212 when selectable entity 212 is selected via user interface device 110, and once ticket identifier 264 is obtained, selectable entity 212 must also choose to take over and utilize plurality of user interface device resources **AND WHEREIN** the focus manager 206 stores asynchronous request 209 in queue 250 and assigns a priority level 252, 254, 256, wherein for example, asynchronous request 209 can have a 0 time priority associated with it, meaning that asynchronous request 209 is urgent and that corresponding asynchronous entity 214 must utilize plurality of user interface device resources immediately and therefore, asynchronous request 209 is placed in 0 time priority level 252 and if asynchronous request 209 is less urgent, it can be placed in 1st time priority level 254, 2nd time priority level 256, and the like, based on the priority level associated with asynchronous request 209, wherein this is interpreted to be equivalent to a “resource acquisition request”, and wherein Queue 250 (as stated above) comprises any number of priority levels, which can include without limitation, any number of sub-queues, wherein this is interpreted to be “a query that is used within another query, wherein this can be where the second query was created using the first as the data source”, and interpreted to be equivalent to “read and write request that are queued” and interpreted to be correspond to “specifying a first number of read request to

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be performed for a second number of write request as long as there are both read and write request that are queued", as defined within applicant specification, paragraph [0010], and therefore overall equivalent to "scheduling execution of the resource acquisition request".

In reference to Nakaoka, relating to the limitation "user configurable metering", and defined in applicant specification within paragraph [0010], to be a method of processing resource acquisition requests, including scheduling execution of the resource acquisition requests in accordance with user configurable metering. Preferably, the resource acquisition requests are sorted into queues with at least one queue for read requests and at least one queue for write requests. At least one other queue may be provided for metadata resource acquisition requests. Preferably, metering of the resource acquisition requests is configured in response to input from an administrator of the system, by specifying a first number of read requests to be performed for a second number of write requests, as long as there are both read and write requests that are queued.

Nakaoka teaches, "metering of the resource acquisition requests is configured in response to input from an administrator of the system", addressed from applicant specification and as it relates to an administrator of the system, which is interpreted to be equivalent to the "user configurable metering" as claimed ~ SEE Nakoka, columns 3-4, respectively, wherein this reads over "user who is the beginner of the task can create a

task entry and can create the work entry expressing the work decided at that time and the event rule expressing the work procedure for the task and the user can manage the progress of the task and execute the work and the user is in accordance with the task execution support system, wherein the task execution support system discloses a means for memorizing a task execution responsible person who is in charge of the execution of the task for each task entry as illustrated in Figure 2, all features, which is interpreted to be equivalent to “administrator”, and wherein Figure 2, diagram 2030, illustrates task that isn’t completed, and Figure 7, diagram 7020, illustrates task completed and diagram 7040, illustrates a deadline for a task, and column 10, lines 38-44, wherein to operate task object means to start or complete action, wherein this is overall equivalent to “metering of the resource acquisition requests is configured in response to input from an administrator of the system.

Therefore, the citation cited above (Clayton in view of Nakaoka) reads on applicant’s limitation ““scheduling execution of the resource acquisition request in accordance with a user configurable metering””.

The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d

347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate Nakaoka teachings into Clayton system. A skilled artisan would have been motivated to combine as suggest by Nakaoka [column 1, lines 4-7] for establishing an improved method of improving the efficiency of the system by enhancing the query performance by utilizing an administrator to delegate and operate resources.

**Applicant States/Argues:**

In rejecting claims 2, 12 and 21, Figs. 7 and 8 and portions of columns 5, 6, 8 and 10 of Nakaoka were cited. The addition of these portions of the disclosure in Nakaoka does not help Applicants understand why Nakaoka was cited. Figure 7 is described as "an event condition table" (column 6, line 61) and indicates that tasks are targets of events, which have various types and may be associated with a title of a target object. The portion of the description of Fig. 7 cited at column 10, lines 45-59 states that the fields in the first column are identifiers, and the fields in the remaining three columns either represent or express "the time that the event condition wants to indicate" (e.g., column 10, lines 50-51) As noted above and in the July 10, 2006 Amendment, one aspect of the invention missing from Clayton et al. is providing a way for a user to configure how the focus manager determines the number of requests of a given priority should be executed. It is not understood how anything that expresses or represents "the time that the event condition wants to indicate" would be relevant to what is missing from Clayton et al.

Furthermore, it is not understood how Fig. 7 and column 10, lines 45-59 of Nakaoka is relevant to sorting "the resource acquisition requests into at least two separate queues" as recited in these claims. The fact that the sorting in claims 2, 12 and 21 is performed based on "different request types" is hardly suggested by the listing of event types in the event condition table. Figure 8 and column 5, lines 49-67 were apparently cited in rejecting claims 2, 12 and 21 to show how "the event types are defined. However, the list of event types in Fig. 8 do not seem to have anything to do with either "resource acquisition requests" as recited in Claims 2, 12 and 21 or the focus manager 206 in Clayton et al. which the Examiner has acknowledged needs to be modified to suggest the broadest recitation of the invention in claims 1, 11 and 20. While column 5 does mention "the task is classified based on the task definition, according to the method of classifying the task based on the object information" (column 5, lines 57-60), no suggestion has been found that tasks can be equated with "resource acquisition requests" or that the classification described in Nakaoka constitutes sorting based on "different request types" as recited in claims 2, 12 and 21. The same lack of suggestion to modify the focus manager 206 in Clayton et al. or sort resource acquisition requests has been found in the description of creating "new task entries ... to write respective chapters" (Office Action, page 4, lines 15-16) which apparently is what was considered relevant in column 6, lines 17-20 of Nakaoka and reading "task information ... to change memorized task information in accordance with a task information reference/operation request issued from the task information display/operation unit 1030 or the event rule driver unit 1040" (Office



Action, page 4, lines 17-20) which apparently is what was considered relevant in column 8, lines 4-12 of Nakaoka. For the above reasons, it is submitted that claims 2, 12 and 21 further patentably distinguish over Clayton et al. in view of Nakaoka. The wording of the rejection of the remaining claims, 3-10, 13-19 and 22-28, was unchanged from the January 11, 2006 Office Action, except for the addition of the words "in view of Nakaoka" in regard to all of the rejections, except for the rejection of claims 5, 15 and 24. It is submitted that that the additional distinctions over the prior art due to the lack of equivalence between the present invention and Clayton et al. discussed in the July 11, 2006 Amendment also apply to the rejections based on Clayton et al. and Nakaoka.

**Examiner Response:**

Claims 2, 12, and 21, wherein the limitation "sorting the resource acquisition request into at least two separate queues for different types".

SEE Nakaoka ~ Figure 7, all features further defined in column 10, lines 45-59, wherein the field 7020 shows a code indicative of type of task object operation which represents the time that the event condition wants to indicate and wherein field 7030 shows a task ID to which there belongs an operation target task object of a task object operation expressing the time that the event condition wants to indicate and field 7040 shows a title of an operation target task object of a task object operation which expresses the time that the event condition wants to indicate and when the task object operation indicates the completion of the task, the field 7030 shows the task object which is to be

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completed, and the field 7040 is not significant, and column 6, lines 17-20, wherein client creates new task entries in order to write respective chapters and lines 39-50, wherein this reads over “the task is hierarchized by the main task and subtask structure based on a object among the task”, wherein hierarchized is interpreted to be a way of ranking and organizing, which is interpreted to “sorting”; column 8, lines 4-12, wherein the task information management unit 1020 is adapted to read task information from the task information memory unit 1010 and to change memorized task information in accordance with a task information reference/operation request issued from the task information display/operation unit 1030 or the event rule driver unit 1040.

Also, See Clayton ~ column 5, lines 4-45, wherein focus manager 206 includes a queue 250 and a means of assigning ticket identifier 264 to selectable entity 212 and Queue 250 comprises any number of priority levels, which can include without limitation, any number of sub-queues, wherein Queue 250 comprises any number of priority levels, which can include without limitation, any number of sub-queues, wherein this is interpreted to be “a query that is used within another query, wherein this can be where the second query was created using the first as the data source”, and interpreted to be equivalent to be two separate queues for two different request types, wherein the request types are the different priority levels, wherein this is interpreted to be equivalent to “sorting the resource acquisition request into at least two separate queues for different types”;

**Examiner further States:**

Any arguments not addressed is due to the fact that “Applicant does not clearly define what the prior art (Nakaoka and Clayton) of record does not teach”.

Examiner states that all arguments in reference to prior art of record, must be clearly specified as to wherein the arguments clearly states: “prior art does not teach or suggest”, or does not describe”, and so forth.

Therefore, applicant is reminded that all statements and remarks regarding the difference between the two are considered to be “blanket statements”, in which arguments are not clearly conveyed to the examiner.

**Applicant Request for Examiner Interview**

Given the Applicants' inability to understand why Nakaoka was believed by the Examiner to suggest modification of Clayton et al. and the additional details recited in claims 2, 12 and 21, the Examiner is respectfully requested to contact the undersigned by telephone to arrange an Interview prior to further examination of the claims, unless the next Office Action does not rely on Nakaoka in rejecting the claims.

**Examiner Response:**

In regards to an Interview, An interview should normally be arranged for in advance, as by letter, facsimile, electronic mail, telegram or telephone call, in order to insure that the primary examiner and/or the examiner in charge of the application will be present and available in the Office. When applicant is initiating a request for an

interview, an "Applicant Initiated Interview Request" form (PTOL-413A) should be submitted to the examiner prior to the interview in order to permit the examiner to prepare in advance for the interview and to focus on the issues to be discussed. This form should identify the participants of the interview, and the proposed date of the interview.

### **Prior Art of Record**

1. Clayton et al (US Patent No. 6,971,101) discloses a resource acquisition requests for a file system are executed under user configurable metering, wherein as resource acquisition requests are received by a file system server, the resource acquisition requests are sorted into queues, e.g., where read and write requests have at least one queue for each type, plus a separate queue for metadata requests as they are executed ahead of any waiting read or write request, wherein the file system server controls execution of the file system resource acquisition requests to maintain the ratio set by the system administrator.
2. Larson (US Patent No. 6, 754,690) discloses a time-partitioned system for accounting for processor time consumed by operating system services provided on behalf of an application running in a real-time environment, wherein the time utilized by the operating system is treated as being application processing time, rather than viewing the resultant processor time consumed as an operating system overhead.
3. Nakaoka (US Patent No. 6,092,048) discloses a task management server.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene R. Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

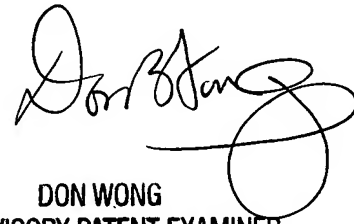
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HRR

Technology Center 2100

April 30, 2007

A handwritten signature in black ink, appearing to read "Don Wong", with a large, stylized loop at the end.

DON WONG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100